

REMARKS

The non-final Office Action of May 13, 2004, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-26 are now pending. By this amendment, claim 1 is amended and new claims 5-26 are added.

Claims 1 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mortgages for Dummies, a book by Eric Tyson ("Tyson") in view of U.S. Patent No. 5,885,947 to Fraser et al. ("Fraser"). Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tyson in view of Fraser, and further in view of "XML by Example" is Here by Pineapplesoft ("Pineapplesoft"). Applicants respectfully traverse all rejections.

Independent claim 1 is clarified to explicitly include the use of "determining criteria" in the determining step of claim 1. In particular, claim 1 as amended recites, *inter alia*:

"1. (Currently Amended) A computer-implemented method for facilitating an appraisal comprising the steps of:
receiving an electronic request for an appraisal at a hub;
determining an appraiser to conduct said appraisal using
determining criteria to compare information regarding potential appraisers;
transmitting electronic information related to said request for said appraisal to said appraiser;
..."

The Examiner attempts to equate the previously recited "determining an appraiser to conduct said appraisal" with the simple exchange of loan processing information disclosed in Tyson. However, Tyson's suggestion of "getting an appraisal from an authorized appraising company" does not teach or suggest "determining an appraiser to conduct said appraisal using

determining criteria to compare information regarding potential appraisers” as recited in claim 1 (Office Action, p. 3). Rather, Tyson indicates that one is to obtain a competent appraiser. The problem is that one generally may not have the knowledge to accurately discern among appraisers. Claim 1 as amended further clarifies the step of determining the appraiser based on criteria. Tyson fails to provide this determining ability.

In an attempt to remedy the deficiencies of Tyson, the Examiner refers to Fraser. However, Fraser also fails to teach or suggest determining an appraiser using determining criteria to conduct an appraisal as taught in claim 1 of the present invention. Even assuming, but not conceding, that the proposed combination of Tyson with Fraser is proper, the invention of claim 1 is not taught or suggested. Accordingly, Applicants respectfully submit that claim 1 as amended is allowable.

The remaining dependent claims 2-3 are also allowable for at least those reasons that claim 1 is allowable, and further in view of the additional features recited therein. Moreover, Pineapplesoft fails to cure the deficiencies of Tyson and Fraser.

Dependent claim 4 is allowable for at least those reasons that claim 1 is allowable, and further in view of the additional features recited therein. For example, claim 4 is directed to the computer-implemented method of claim 1 wherein the appraiser includes a communication device that permits acceptance or rejection of the request. Neither Tyson nor Fraser, alone or in combination, teach or suggest allowing an appraiser to receive and then, based on information provided by the system such as location and time, accept or reject the appraisal request. Therefore, Applicants respectfully submit that claim 4 is allowable.

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New claims 5-26 further describe aspects of the present invention. No new matter has been added.

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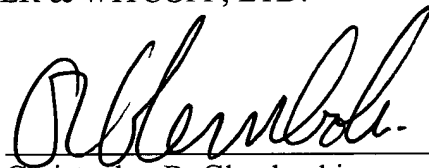
All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Applicants hereby give authorization to charge any fee associated with this submission or any additional fee due to Deposit Account 19-0733. If there are any questions the Examiner is invited to contact the undersigned.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: July 13, 2004

By:

A handwritten signature in black ink, appearing to read "C. Glembocki", written over a horizontal line.

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